

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Carmen Marquez-Marin

v.

Case No. 05-ds-247-SM

Attorney General of
the United States

ORDER

Re: Document No. 59, Assented-to Motion for Order Referring
Post-Trial Matters to Magistrate Judge Bowler

Ruling: Denied, without prejudice. After conducting a hearing by telephone conference call, it appears that the parties now have a clear understanding of what the judgment ordering reinstatement requires. Plaintiff and the government agreed to a one month delay in reinstatement after judgment, for the benefit of both parties. Thereafter, plaintiff was not reinstated for another four months, and, was not paid during that time. While the government suggests that it could not reinstate her without first conducting another security investigation, the delay associated with that process is entirely attributable to the government - after all, the government wrongfully terminated plaintiff in the first place, and had it not acted wrongfully, no deprivation would have accompanied the security investigation. Plaintiff is entitled to all pay and benefits that would have accrued to her benefit during that four month period, until the time her pay and benefits were actually restored and paid. If further proceedings are required to enforce the judgment, and no reasonable grounds exist for noncompliance, sanctions will be imposed.


Steven J. McAuliffe
Chief Judge

Date: January 28, 2010

cc: Judith Berkan, Esq.
Carole Fernandez, Esq.